

## **Charitable Gambling FAQs**

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**Q: How far in advance of my event should I submit an application?**

**A: 30 days**

**Q: Do I need to fill out an application to host a charity “poker night” fundraiser?**

**A: Yes.** Nonprofit organizations and Gambling Equipment/Services Suppliers both need to register 30 days before the event takes place.

**Q: What are the registration fees?**

**A: 1)** The registration fees for Nonprofit Organizations, are based on the previous years gross annual revenue. The fees range from \$25, \$50, \$75, to \$100. **2)** The annual fee for Gambling Equipment/Services Suppliers is \$100.

**Q: What is a Certificate of Determination of Exemption?**

**A:** This exemption is a letter generated by the State Franchise Tax Board, not the IRS. The letter is generated once the State Franchise Tax Board has approved the nonprofit organization for California tax exemption, and is not related to 501(c)3.

**Q: Where can I obtain a Certificate of Determination of Exemption?**

**A:** The nonprofit organization can request the Certificate of Determination of Exemption letter from the State Franchise Tax Board. The request must be made in writing. For more information please contact the Franchise Tax Board Exempt Division at 916-845-4171. If you are having difficulties, please contact the Bureau of Gambling Control at 916-263-5380.

**Q: Can I submit my 501(c)3 status letter from the IRS?**

**A:** No, Per AB 839, the applicant is required to provide the Bureau of Gambling Control with the State Franchise Tax Board Certificate of Determination showing exemption under State of California Revenue and Taxation codes 23701 (a), (b), (d), (e), (f), (g), (k), (l), or (w.) Applications submitted without such Certification will not be accepted and will be returned.

**Q: What's the difference between 501(c)3 and 23701?**

**A:** The 501(c)3 status is assigned by the Internal Revenue Service and the 23701 is assigned by the State Franchise Tax Board.

**Q: We are a Nonprofit Organization who is part of a National Nonprofit (Parent Organization), which has been in existence for many years. Our "chapter" has been in existence for less than 3 years. Can we register to host a charity "poker night" fundraiser?**

**A:** No, nonprofit organizations are prohibited from conducting charity "poker night" fundraisers if they have not been in existence and operating for at least 3 years.

**Q: I heard that nonprofit organizations could host 4 fundraisers per year, is this true?**

**A:** No, AB 839 prohibits nonprofit organizations from conducting more than 1 fundraiser per any one calendar year using "controlled games". Any one facility is permitted to rent, lease, or donate the location for charity "poker night" fundraisers no more than 4 times per any one calendar year. The only exception to this rule is for "rural" area's pre approved by the Bureau of Gambling Control.

**Q: Where can I find out if I'm in a "Rural" area?**

**A:** You can visit the United States Department of Agriculture's website at [USDA.GOV](https://www.usda.gov), or for a list of rural codes for California counties: [California rural areas list.pdf](#)

**Q: Do I have to use a Gambling Equipment/Services Supplier who is registered with the Bureau of Gambling Control?**

**A:** All Gambling Equipment/Services Suppliers are required to register with the Bureau of Gambling Control if they are providing equipment/services to nonprofit organizations for the purpose of playing “controlled games”. You are not limited to the Suppliers the Bureau has already registered, you may choose your own Supplier as long as the Supplier registers with the Bureau of Gambling Control at least 30 days prior to the event date.

**Q: If the gambling equipment/services are being donated, does the Supplier(s) have to register with the Bureau of Gambling Control? Or, if I own my own equipment do I need to register?**

**A:** Suppliers who donate do not need to register. Nonprofit organizations must register the fundraising event, but if they own equipment, then it is not necessary to register as a supplier.

**Q: Do all prizes have to be donated?**

**A:** No, but 90% of the fundraiser money must go to the nonprofit organization.

**Q: Who has to sign the application?**

**A:** 1) Anyone belonging to the nonprofit organization can sign item #12. A fiduciary with the legal authority and duty to make decisions regarding financial matters on behalf of the nonprofit must sign item # 14. 2) The owner of the company must sign an application for Gambling Equipment/Services Supplier. **FYI: stamped signatures are not acceptable and applications will be returned if the signature is not in ink, and hand written.**

**Q: What is the processing time frame for the application once submitted to the Bureau of Gambling Control?**

**A:** Once the completed application, check for registration fee made out to the California Department of Justice, and all required documents are received by the Bureau, a Certificate of Registration will be issued within 1 week.

**Q: Will I get something back from the Bureau of Gambling Control letting me know if my application has been accepted so that I may conduct the charity “poker night” fundraiser?**

**A:** Yes, once the application is processed and approved by the Bureau, a Certificate of Registration will be issued.

**Q: Do I, as a Supplier of Gambling Equipment/Services, have to list every type of game product and service that I provide?**

**A:** Yes, a description of all “controlled games” needs to be listed as well as all services provided (i.e., dealers).

**Q: As a Supplier of Gambling Equipment/Services, what games can and can't I offer?**

**A:** The Bureau of Gambling Control is only registering Suppliers who provide equipment/services for the purposes of playing "controlled games". "Controlled games" as defined in the California Penal Code section 337j(e)(1) are "...any poker or Pai Gow game, and any other game played with cards or tiles, or both, and approved by the Bureau of Gambling Control..."

**Q: How do I know if a Gambling Equipment Supplier is registered?**

**A:** You can call the Bureau of Gambling Control to find out if a supplier is registered.

**Q: Do I need local law enforcement approval?**

**A:** Yes.

**Q: Why is there a law restricting what games our nonprofit organization can and cannot have at our fundraiser?**

**A:** With the increased popularity of Poker and Texas Hold'em, Assembly Bill 839 was signed by the Governor into law and now allows certain registered nonprofit organizations to hold such events legally. AB 839 also regulates the gaming event as well as the gambling equipment/services suppliers who work with the nonprofit organizations.